

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 09-10757  
Non-Argument Calendar

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| FILED<br>U.S. COURT OF APPEALS<br>ELEVENTH CIRCUIT<br>July 14, 2009<br>THOMAS K. KAHN<br>CLERK |
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D. C. Docket No. 08-00478-CR-T-23-TGW

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE CORTES-PACHECO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Middle District of Florida

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**(July 14, 2009)**

Before BLACK, BARKETT and PRYOR, Circuit Judges.

PER CURIAM:

Jose Cortes-Pacheco appeals his sentence to 20 months of imprisonment following his plea of guilty to reentering the United States illegally after three previous deportations. Cortes-Pacheco argues that his sentence is unreasonable. We affirm.

The district court did not abuse its discretion by imposing a sentence above the guideline range. The district court correctly calculated the advisory guideline range of zero to six months of imprisonment and found that a sentence within that range would be “ineffective” based on Cortes-Pacheco’s “repeated and apparently inexcusable repetitive reentries into this country[.]” The district court considered the sentencing factors and found that a variance above the guideline range was necessary to address Cortes-Pacheco’s recidivism and deter him and “those similarly situated that this sort of repetitious and reckless behavior and defiance of established law [was] unacceptable.” The statutory maximum sentence of imprisonment for illegal reentry is two years. 8 U.S.C. § 1326(a). Cortes-Pacheco’s sentence of 20 months of imprisonment is reasonable.

Cortes-Pacheco’s sentence is **AFFIRMED**.